



Comptroller General
of the United States

Washington, D.C. 20548

Paul Jordan

Decision

Matter of: C-E Environmental, Inc.

File: B-239231.4

Date: July 12, 1990

Les G. Herring and William R. Fisher, for the protester.
Judith A. Sukol, Esq., and Robert Poor, Esq., Department of
the Army, for the agency.
Paul E. Jordan, Esq., and John F. Mitchell, Esq., Office of
the General Counsel, GAO, participated in the preparation of
the decision.

DIGEST

Protest of agency's procedures in post award reevaluation
of proposals is untimely when filed more than 10 working
days after basis of protest was known or should have been
known.

DECISION

C-E Environmental, Inc. (C-EE) protests the agency's
procedures in reevaluating proposals under request for
proposals (RFP) No. DAAA15-90-R-0009, issued by the Army
Materiel Command, for engineering, testing, and evaluation
services in support of environmental programs at various
Army installations. C-EE contends that the Army should
issue a new solicitation clearly defining a proper procure-
ment methodology or award it one of the contracts.

We dismiss the protest.

The RFP, issued October 19, 1989, provided for award of up
to 15 indefinite quantity contracts against which task
orders would be issued. Of the proposals submitted by the
December 31 closing date, 24 were evaluated as technically
acceptable. Evaluation of cost proposals included projec-
tions of total prices and adjustments for cost realism. On
March 30, 1990, award was made to the 15 offerors which
proposed the lowest evaluated prices. C-EE was not one of
the 15.

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On April 9, 1990, EAI Corporation filed a protest (B-239231) with our Office challenging the adequacy of the technical evaluation.^{1/} In addition, on April 17, ICF Technology Inc. filed a protest (B-239231.2) alleging a number of flaws in the agency's evaluation process. In response, on April 24, the Army requested all 24 technically acceptable offerors to clarify a particular cost element in their proposals. On April 25, C-EE submitted its pricing clarification.

After receiving the clarifications, the Army conducted a reevaluation of the proposals. C-EE again was not selected for award. On May 25, C-EE received a telephonic debriefing during which the agency addressed the process it used to reevaluate the pricing proposals of each offeror. Discussion of the details of the reevaluation made C-EE "extremely uncomfortable with the evenhandedness and appropriateness of the process." C-EE addressed these issues in its protest filed June 14, 1990.

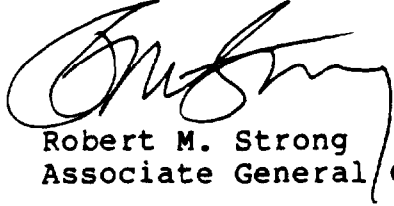
Under our Bid Protest Regulations, 4 C.F.R. § 21.2(a)(2) (1990), a protest must be filed not later than 10 working days after the basis of protest is known or should have been known. C-EE protests the reevaluation process including agency contacts with the offerors and unilateral adjustments to cost proposals. In view of C-EE's receipt of a request for clarification of its proposal on April 24, and its debriefing on May 25, these grounds were known, or should have been known to the protester by May 25. Its protest, received in our Office on June 14, was filed more than 10 working days later. Accordingly, the protest is untimely and not for consideration on the merits.

As recognized by C-EE, for good cause shown, or where a protest raises issues significant to the procurement system, our Office may consider a protest not timely filed. 4 C.F.R. § 21.2(b). Although the protester notes that it "can present a significant issue . . . of general importance," the protester does not identify what in its protest

^{1/} A decision addressing EAI's protest will be issued separately.

makes it "significant." Nor are we able from our review to identify any reason why we should consider C-EE's untimely protest.

The protest is dismissed.

A handwritten signature in black ink, appearing to read 'R. Strong', is written over the printed name and title.

Robert M. Strong
Associate General Counsel